

# EXHIBIT A

9-28-15 @ 11:45 am

**SUMMONS  
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):****Experian Information Solutions, Inc.;**  
**Comenity, LLC; Does 1-100****YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
**Lynn McBride**FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**ENDORSED  
FILED****2015 SEP 15 2 12:21**David H. Yamabaki, Clerk of the Superior Court  
County of Santa Clara, California**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):  
Santa Clara Superior Court  
191 North First Street  
San Jose, CA 95113CASE NUMBER (Número del Caso):  
**115CV285624**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Elliot W. Gale, Esq. Sagaria Law, P.C.  
2033 Gateway Place, 6th Floor (408) 279-2288  
San Jose, CA 95110

DATE:

**SEP 15 2015****DAVID H. YAMABAKI**Chief Executive Officer, Clerk, by  
(Secretario)

C. Page

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): Experian Information Solutions, Inc.

- under:
- ☒ CCP 416.10 (corporation)
  - ☐ CCP 416.20 (defunct corporation)
  - ☐ CCP 416.40 (association or partnership)
  - ☐ other (specify):

- ☐ CCP 416.60 (minor)
- ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.90 (authorized person)

- ☒ by personal delivery on (date):

**9-28-15**

Page 1 of 1

1 SCOTT J. SAGARIA (BAR # 217981)  
ELLIOT W. GALE (BAR #263326)  
2 JOSPEH B. ANGELO (BAR #268542)  
SCOTT M. JOHNSON (BAR #287182)  
3 SAGARIA LAW, P.C.  
2033 Gateway Place, 5<sup>th</sup> Floor  
4 San Jose, CA 95110  
408-279-2288 ph  
5 408-279-2299 fax

6 Attorneys for Plaintiff

ENDORSED  
FILED

2015 SEP 15 P 02:21

David H. Winters, Clerk of the Superior Court  
County of Santa Clara, California

By: C. Page  
Deputy Clerk

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA CLARA  
10 LIMITED JURISDICTION > \$25,000.00  
11  
12

13 CASE NO. 115CV285624  
14

15 COMPLAINT FOR DAMAGES:

16 LYNN MCBRIDE,

17 Plaintiff,

18 v.  
19

20 Experian Information Solutions, Inc.;  
Comenity, LLC and DOES 1 through 100  
21 inclusive,

22 Defendants.  
23  
24  
25

1. Violation of Fair Credit Reporting Act;
2. Violation of California Consumer Credit Reporting Agencies Act;
3. Violation of California Unfair Business Practices Act
4. Demand Exceeds \$10,000.00

26 COMES NOW Plaintiff LYNN MCBRIDE, an individual, based on information and belief, to  
27 allege as follows:  
28



**INTRODUCTION**

1. This case arises under the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b), California Consumer Credit Reporting Agencies Act, California Civil Code §1785.25(a), and California Business and Professions Code § 17200. Plaintiff seeks redress for the unlawful and deceptive practices committed by the Defendants in connection with their inaccurate reporting of Plaintiff's debt included in Plaintiff's Chapter 13 bankruptcy.

**JURISDICTION & VENUE**

2. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and every paragraph above, fully set forth herein.
3. This Court has jurisdiction under California Civil Procedure Code §410.10
4. This venue is proper pursuant to California Civil Procedure Code § 395.5

**GENERAL ALLEGATIONS**

5. Plaintiff filed for Chapter 13 bankruptcy protection on December 3<sup>rd</sup>, 2013 in order to reorganize and repair Plaintiff's credit. Plaintiff's Chapter 13 bankruptcy was confirmed on January 30<sup>th</sup>, 2014.
6. On March 30<sup>th</sup>, 2015 Plaintiff ordered a three bureau report from Equifax, Inc. to ensure proper reporting.
7. Plaintiff noticed several tradelines all reporting misleading and or inaccurate balances or past due balances owed on the account, monthly payment, and or listed the account as in collections and or charged off rather than included in Bankruptcy.
8. In response Plaintiff disputed the inaccurate tradelines via certified mail with Experian Information Solutions, Inc.; Equifax, Inc.; and TransUnion, LLC.
9. Plaintiff is informed and believes that each credit reporting agency sent each Defendant notification that plaintiff was disputing the accuracy of what it was reporting to them.
10. Defendant Comenity, LLC failed to conduct a reasonable investigation and reported falsely to Experian Information Solutions, Inc.; Equifax, Inc. *misleading* and or *inaccurate* balances or past due balances owed on the account, monthly payment, and

1 or listed the account as in collections and or charged off rather than included in  
2 Bankruptcy.

- 3 11. Experian Information Solutions, Inc. failed to perform its own reasonable investigation  
4 and failed to correct the inaccuracies and failed to note that Plaintiff disputed the  
5 information. After the statutory time period passed for Experian Information Solutions,  
6 Inc. to update the report Plaintiff pulled a second credit report and noticed that no  
7 updates had been made to the tradeline in dispute.
- 8 12. On June 26<sup>th</sup>, 2015 Plaintiff ordered a second three bureau report from Equifax, Inc. to  
9 ensure proper reporting.
- 10 13. Plaintiff's account was in dispute but the furnisher and Experian Information  
11 Solutions, Inc. failed to correct the misleading and or inaccurate statements on the  
12 account within the statutory time frame or at all.
- 13 14. The credit bureaus have an obligation to delete the tradeline when a response is not  
14 received by the furnisher within the statutory time frame.
- 15 15. The actions of the Defendants as alleged herein are acts in violation of the Fair Credit  
16 Reporting Act, 15 U.S.C. § 1681s-2(b).
- 17 16. The actions of the Defendants as alleged herein are acts in violation of the consumer  
18 credit reporting agencies act California Civil Code § 1785.25(a).
- 19 17. The actions of the Defendant as alleged herein are acts in violation of the California  
20 Business and Professions Code § 17200.

21  
22 **FIRST CAUSE OF ACTION**  
23 (Violation of Fair Credit Reporting Act  
24 15 U.S.C. § 1681s-2(b))  
(Against Defendants and Does 1-100)

25 **Experian Information Solutions, Inc.- Failure to Reinvestigate Disputed Information.**

- 26 18. Plaintiff realleges and incorporates herein the allegation in each and every paragraph  
27 above as though fully set forth herein.  
28



1 19. After plaintiff disputed the accounts mentioned above, defendant Experian Information  
2 Solutions, Inc. was required to conduct a reasonable investigation and to delete any  
3 information that was not accurate. In doing so, defendant was required to send all  
4 relevant information to the furnishers which they did not do. Defendant failed to correct  
5 the misleading and or inaccurate statements on the account within the statutory time  
6 frame or at all.

7 **Comenity, LLC – Reporting Inaccurate Information to Defendant Experian Information**  
8 **Solutions, Inc. and Failure to Reinvestigate.**

9 20. Plaintiff realleges and incorporates herein the allegation in each and every paragraph  
10 above as though fully set forth herein.

11 21. 15 USC 1681s-2 prohibits furnishers from providing any information relating to a  
12 consumer to any consumer reporting agency if the person knows or has reasonable  
13 cause to believe that the information is inaccurate or misleading and requires a  
14 furnisher to update and or correct inaccurate information after being notified by a  
15 consumer reporting agency of a dispute by a consumer.  
16

17 22. Defendant Comenity, LLC violated section 1681s-2 by failing to conduct a reasonable  
18 investigation and re-reporting misleading and or inaccurate balances or past due  
19 balances owed on the account, monthly payment, and or listed the account as in  
20 collections and or charged off rather than included in Bankruptcy. Defendant Experian  
21 Information Solutions, Inc. provided notice to the defendants that Plaintiff was  
22 disputing the inaccurate or misleading information but each of the furnishers failed to  
23 conduct a reasonable investigation of the information as required by the FCRA.  
24  
25

26 **SECOND CAUSE OF ACTION**

27 (Violation of California Consumer Credit Reporting Agencies Act  
28 California Civil Code § 1785.25(a))  
(Against Defendants and Does 1-100)

**Comenity, LLC – Reporting Inaccurate Information to Defendant Experian Information Solutions, Inc.**

23. Plaintiff realleges and incorporates herein the allegation in each and every paragraph above as though fully set forth herein.

24. Defendant Comenity, LLC intentionally and knowingly reported misleading and or inaccurate balances or past due balances owed on the account, monthly payment, and or listed the account as in collections and or charged off rather than included in Bankruptcy to Experian Information Solutions, Inc. Plaintiff alleges that Creditors re-reported misleading and or inaccurate balances or past due balances owed on the account, monthly payment, and or listed the account as in collections and or charged off rather than included in Bankruptcy to Experian Information Solutions, Inc. in violation of California Civil Code § 1785.25(a).

25. Plaintiff also alleges that Creditors had reason to know that the information reported on Plaintiff's accounts were misleading and or inaccurate.

26. Plaintiff alleges that the bankruptcy notices, disputes letters from all three credit reporting agencies, the consumer data industry resource guide, and results of its investigation should have provided notice to Defendants of its misleading and or inaccurate reporting.

27. Creditors failed to notify Experian Information Solutions, Inc. that the information Defendant re-reported was inaccurate before the end of 30 business days, in violation of California Civil Code § 1785.25(a).

28. Creditor's communications of false information, and repeated failures to investigate, and correct their inaccurate information and erroneous reporting were done knowingly, intentionally, and in reckless disregard for their duties and Plaintiff's rights.



1 29. As a direct and proximate result of Creditor's willful and untrue communications,  
2 Plaintiff has suffered actual damages including but not limited to inability to properly  
3 reorganize under Chapter 13, reviewing credit reports from all three consumer reporting  
4 agencies, time reviewing reports with counsel, sending demand letters, diminished  
5 credit score, and such further expenses in an amount to be determined at trial.

6 30. Wherefore, Plaintiff prays for judgment as hereinafter set forth.

7  
8 **THIRD CAUSE OF ACTION**

9 (Unfair Business Practices Act  
10 California Business and Professions Code § 17200)  
11 (Against Defendant Creditors and Does 1-100)

12 58. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and  
13 every paragraph above, as though fully set forth herein.

14 59. Plaintiff brings this action in individual capacity and on behalf of the general public.

15 60. Creditors at all times relevant to this Complaint were engaged in the business of  
16 collections and providing services on credit to qualified applicants.

17 61. Commencing on or about December 3<sup>rd</sup>, 2013 and continuing to the present, Creditors  
18 committed the acts of unlawful practices as defined by Business and Professions Code  
19 § 17200 and described in the above stated Causes of Action.

20 62. These unlawful business practices of the Creditors are likely to continue and therefore  
21 will continue to injure Plaintiff and mislead the public by inaccurate record keeping,  
22 failure to correct inaccuracies and erroneous dissemination of inaccurate information,  
23 and present a continuing threat to the public.

24 63. Creditor's acts and practices described above were unlawful under the California Civil  
25 Code § 1785.25(a) and therefore unlawful business practices within the meaning of  
26 Business and Professions Code § 17200.

27 65. Wherefore, Plaintiff prays for judgment as hereinafter set forth.  
28

**PRAYER FOR RELIEF**



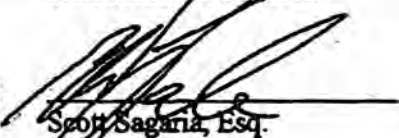
1 WHEREFORE, Plaintiff prays for judgment as follows:

- 2 a. For preliminary and permanent injunctive relief to stop Defendants from  
3 engaging in the conduct described above;
- 4 b. Award statutory and actual damages pursuant to 15 U.S.C. § 1681n and  
5 California Civil Code § 1785.31;
- 6 c. Award punitive damages in order to deter further unlawful conduct pursuant to  
7 15 U.S.C. § 1681n; and California Civil Code § 1785.31
- 8 d. Award \$2,500 in civil penalties pursuant to California Business & Professions  
9 Code § 17206;
- 10 e. Award attorney's fees and costs of suit incurred herein pursuant to 15 U.S.C. §  
11 1681n & o; California Civil Code § 1785.31;
- 12 f. For determination by the Court that Creditor's policies and practices are  
13 unlawful and in willful violation of 15 U.S.C. § 1681n, et seq.; and California  
14 Business and Professions Code § 17200, et seq.;
- 15 g. For determination by the Court that Creditor's policies and practices are  
16 unlawful and in negligent violation of 15 U.S.C. § 1681o;

17 SAGARIA LAW P.C.

18 Dated: August 24, 2015

19 By:

20   
21 Scott Sagaria, Esq.  
22 Elliot Gale, Esq.  
23 Attorneys for Plaintiff

24 **DEMAND FOR JURY TRIAL**

25 Plaintiff hereby demands trial of this matter by jury.

26 SAGARIA LAW, P.C.

27 Dated: August 24, 2015

28 /s/ Elliot Gale  
Scott Sagaria, Esq.  
Elliot Gale, Esq.  
Attorneys for Plaintiff